

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL)	
COUNCIL OF CARPENTERS PENSION)	
FUND, et al.)	
)	
Plaintiffs,)	Case No. 13 C 6653
)	
)	Judge Leinenweber
)	
v.)	
)	
MERIDIENNE CORPORATION and)	
ARTURO CHAVEZ)	
)	
Defendants.)	

Motion for Entry of Judgment

Plaintiffs, by its attorney, Daniel P. McAnally, move this Honorable Court for an entry of judgment and in support Plaintiffs state:

1. This is and ERISA trust fund case seeking delinquent contributions, interest, liquidated damages, dues check-off and attorney fees.

2. On April 3, 2014 this Court granted the Trust Funds' motion, reinstated this case, and set the matter over for prove-up of the Trust Funds' damages due to Defendants' failure to honor an agreed payment plan.

3. The Defendants did not make the payments as required by the Agreement. Pursuant to the Agreement, if the Defendant defaulted on the payments, the Trust Funds retained the right to request judgment for the balance of the amounts owed under Agreement plus any accrued contributions, interest, liquidated damages and attorney fees. (Exhibit A)

4. The Defendants submitted the monthly contribution reports but failed to submit the ERISA contributions shown to be owed in the amount of \$30,760.13 for the months of January 2014 through February 2014. The Defendants also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$1,275.15 for the period February 2014. (Exhibit B, affidavit of John Libby)

5. Defendant, Arturo Chavez, is personally liable for the dues pursuant to the Agreement and also under the Illinois Wage Payment and Collection Act ,820 ILCS 115/1, et seq. Arturo Chavez is an officer of Merdienne Corporation and knowingly permitted and willfully refused to remit dues on behalf of its employees in violation of the Wage Act. 820 ILCS 115/14.

6. Merdienne Corporation owes interest on the unpaid ERISA contributions in the amount of \$51.68 pursuant to the Trust Agreements and 29 U.S.C. §1132(g)(2)(B). (Exhibit B)

7. Merdienne Corporation owes liquidated damages on the unpaid ERISA contributions in the amount of \$23,294.09 for the period May 2013 through February 2014 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). (Exhibit B)

8. The Defendant owes the sum of \$7,453.00 for necessary and reasonable attorney fees and costs of \$455.00 which are collectible pursuant to the Agreement and under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). (Exhibit C, affidavit of Daniel P. McAnally)

WHEREFORE, Plaintiffs pray that their motion for entry of judgment be granted against Merdienne Corporation in the amount of \$63,289.05 and against Arturo Chavez in the amount of \$1,275.15.

Respectively submitted,

s/ DANIEL P. McANALLY
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